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United States Immigration: What's Wrong and How to Fix It

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United States Immigration: What's wrong and how to fix it

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Senior Thesis

Submitted in Partial Fulfillment of the Requirements for Graduation

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Content	i
Acknowledgements	ii
Abstract	1
Introduction	2
Literature review	4
Section One	13
History of Immigration policy	13
Why do people emigrate	16
Current System	18
The Problem	19
Section Two	23
Results of the System	23
Impact of Undocumented immigrants	24
Section Three	27
Fixing immigration	27
Dealing with undocumented immigrant population	29
Reexamining visa caps and family based immigration	33
Fixing employment immigration	36
Addressing the right issue	39
Conclusion	40
.....	
Work cited	42
Bibliography	47

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Abstract

The main objective of this thesis is to identify the most beneficial ways to reform the current immigration system of the United States of America. To do so, this paper first identifies and explains how the current immigration system works. The thesis then analyzes how the current system is broken, and how this broken system has lead to the undocumented immigrant population. It explains that how the system is structured, incentivizes immigrants to enter unauthorized. Next it identifies the benefits and costs of the undocumented immigrant population to the United States. This is done to better understand what should be done with this population. Finally it shows the four most beneficial ways to fix the current immigration system.

Introduction

In the early 2000s immigration to the United States hit historical highs (U.S. Demographic History, <http://www.immigrationeis.org/eis-documents/us-demographic-history>). At the same time the number of undocumented immigrants in the United States also began to rise to its current number of 11.4 million people, as estimated by Homeland Security (Baker and Rytina, 2012). Based on the high number of people willing to enter the country unauthorized, it can be assumed that there is a problem with the legal mechanisms for immigration. In recent years it has become evident that the United States has an immigration crisis. As the number of undocumented immigrants rises, it becomes clear that the mechanisms for legal immigration must be broken. The United States has responded by seeing the undocumented immigrant population as the problem instead of looking at this increasing population as a symptom.

The United States has chosen to focus its efforts on enforcing its borders and immigration laws without addressing a pivotal question about its immigration system: what is broken in the immigration system that leaves millions of individuals with unauthorized immigration as the only option? This thesis will attempt to answer this question through an examination of the history of immigration to the United States, of why people emigrate—both legally and unauthorized, and of how the current system works to facilitate or deter that immigration. Once these three areas are understood, it becomes easier to piece together how the system is broken.

It is the argument of this thesis that the United States immigration system has failed in two areas. Structurally the system is broken. Inside the two main paths of immigration, which are family and employment, based immigration the system has structurally failed. Outdated visas caps do not meet current immigration demand. At the same time the visa caps leave many on application waiting lists. These same visa caps limit the number and type of worker who can

enter the country, which does not meet labor market needs. Second, the response by the government has been ineffective. Instead of addressing why people would choose to enter the country undocumented, the government focuses on preventing undocumented immigration. To fix the immigration system in the United States, policy makers must address four areas of current United States immigration policy.

First, the United States needs to deal with the undocumented immigrant population currently inside the country. This population is draining resources from state and local governments, as well as being a risk to national security. The government must deal with this population that best benefits the country as a whole. Second the visa caps associated with family-based immigration must be revised. The cap numbers need to be raised to a level that meets immigration demand around the world. Third employment-based immigration must become more flexible. Currently, the limited number of immigration options for employment immigration does not reflect needs in the United States labor market. Employment immigration needs to be restructured to be able to adapt to current market demand. Finally, enforcement-only policy needs to be stopped. This policy has been ineffective in curbing undocumented immigration. Instead, the United States needs to focus on what incentivizes people to enter the country unauthorized, and establish a policy to de-incentivize unauthorized entry.

The beginning section of this thesis will address the current immigration system. This section will take a brief look at the history of immigration in the United States, define the current system, and identify the problems with the current immigration system. The second section will discuss what problems the issues with the current system create. It will look at the current undocumented immigrant situation describe both the costs and benefits of undocumented immigrants to the US. The final section will look what is being done to fix the system. In terms of

fixing the immigration system, four issues emerge-- what to do with the current population of undocumented immigrants, family and employment based immigration and the failure of the United States to respond appropriately to increased immigration.

Literature Review

What is wrong with current immigration system?

To understand how to fix the current immigration system, one must first understand what is not working well. Among academics there is a consensus that the system is broken and why it is broken (Abella,2012) (Greenstone & Looney, 2012) (West, 2012).

Manolo Abella (2012) highlights the weaknesses in the United States immigration system, in his article “The United States’ and Japan’s Immigration Dilemmas in Comparative Perspective”. Overall the article compares that current immigration crisis s facing both the United States and Japan. In it Abella identifies two areas in which the immigration system of the United States is flawed. First, he notes that the current employment based immigration systems, for both permanent and temporary laborers, do not meet the needs of the labor market. Abella says the main problem is that while the United States has a large dependence on low skilled immigrant labor, but does not offer enough paths of immigration for low-skilled laborers . The United States does not offer enough paths for low skilled laborers to immigrate (Abella,2012). The second flaw that Abella identifies are the massive backlogs created in family-based immigration. Abella argues that the visa caps inside the system create these backlogs. Millions of people have been approved for visas into the United States, but because of the visa caps they have to wait for up to 20 years to get approved. Many individuals choose to enter the country before they get their visa, and then wait until their visa status has changed. They do this to be

reunited with family (Abella,2012). Abella argues that both of these flaws in the system attribute to both the break down of the system and the rising number of undocumented immigrants.

In the article “The U.S. Immigration System: Potential Benefits of Reform”, Michael Greenstone and Adam Looney (2012) lay out the benefits of reforming the immigration system. While doing this they also explains the problems the current immigration system have. Greenstone and Looney (2012) identify the same shortcomings Abella (2012). Greenstone and Looney (2012) agree that the immigration system does not meet the current labor market needs, and that family-based immigration backlogs are a cause of undocumented immigration. In their article they choose to focus more on economic factors, arguing that the United States’ current system limits the economic potential of the United States. Currently the system does not allow enough paths of immigration for workers with skills needed in the country (Greenstone & Looney ,2012). Along with the economic argument they suggest that the system has failed in its original goal. The original goal of the immigration system was humanitarian based, focusing on family reunification (Greenstone & Looney, 2012). Greenstone and Looney (2012) argue that because of the backlogs created by family-based immigration, the system has failed to accomplish its original goal. There is little variation between the basic arguments that Greenstone and Looney and Abella. Although they differ on in terms of research focus, they both agree that the united states could benefit economically by reforming its immigration system.

An alternative perspective, comes form the book *Brain Gain Rethinking U.S. Immigration Policy* by Darrell M. West (2010). In his West argues that the system is broken, because it focuses to much on family reunification. West argues that while this is a noble goal, it ultimately does not benefit from the United States. (West, 2012). West (2012) does not focus on how the immigration system is broken, and how that the flaws in the system lead to

undocumented immigration. Instead he focuses on how the immigration system is broken because it does not benefit the United States economically. The basic argument is that the United States focuses so much on family-based immigration that it does not offer enough options for high-skilled immigrants to come to the United States. By not having these high-skilled individuals immigrate to the United States, the country is missing out on the economic opportunity that these immigrants offer. While West (2012) does not differ significantly from Greenstone and Looney (2012) and Abelle (2012), he does take an alternate approach. While Greenstone and Looney (2012) and Abelle (2012) argue that the system is broken for both immigrants and the United States, West (2010) argues that the system is not broken for immigrants, but rather that it is not economically beneficial to the United States. While it is a valid argument, taking West's approach will only lead to how to fix the system to benefit the United States. The goal should be to fix the system to benefit both immigrants and the country.

Historical review of immigration policy, and why people immigrate.

Understanding the historical development of immigration to the United States can aid in understanding how to fix the problems with the current immigration system. Understanding history of the immigration policy can be used as a road map. This road map tells you why the immigration system is set up in the manner in which it is. It can also show you the failures of the past, and how to avoid similar failures. Just as important as the historical context of United States immigration policy, is understanding why people choose to immigrate. By understanding why individuals choose to immigrate to the United States. The country can tailor its policy to meet the needs of these immigrants, and attempt to de-incentivize unauthorized immigration.

Ganster and Lorey (2008) offer a broad historical view of the southern border region and immigration policy.. They discuss how the relationship between the United States and Mexico

has evolved over time by analyzing how the development of the border region's economy has shaped the current political landscape. One of the main purposes of the book is to understand why individuals choose to immigrate to the United States in the first place. Ganster and Lorey rely on the push-pull theory. The push-pull theory states that one country pulls immigrants in while another country pushes them out. A review of policies shows how the United States is pulling immigrants in while Mexico is pushing them out (Ganster, Lorey 2008).

Gonzalez's (2006) work also seeks to answer the question of why people immigrate. In his work, he dismisses the push-pull theory. Instead, he describes the United States as a colonial power. He argues that the United States exploits and drains resources from Mexico, in a manner similar to a colonizing power. The United States relationship with Mexico is comparable to England and France's colonization of India and Algeria in the manner in which it uses guest worker programs to exploit Mexican workers like a colonizing power (Gonzalez 2006). Gonzalez's argument is there is no push, only pull. He argues that The United States, since World War II, the united states have created programs such as the bracero program, and the creation of NAFTA has created more of a colonial relationship between the two countries. Gonzales argues that it is this colonial like relationship that explains migration from mexico to the United States, not the push-pull theory (Gonzalez, 2006).

Ewing, Walter (Ewing,2012), offers a history of immigration policy, in a very un-bias manner. In an "Opportunity and Exclusion: A Brief History of U.S. Immigration Policy", Ewing dives into each period of immigration to the United States starting with colonialism. Ewing discusses early motivation for people to migrate to the new world, and later on the developing nation of the United States, but that is not the main focus of his work. His main focus is to show the motivation behind the historical policy of the United States. It is particularly useful in

looking at the current immigration policy in the context of past policy, because you can see that our policy has not changed much. It has changed in that its no longer exclusionary towards specific ethnic or nationality groups but it is still very exclusionary. Another consistent pattern in United States immigration policy is, trying to limit entry to the country to high-skiled individuals. The United States still very much wants these high-skilled individuals entering the country, this is most evident in employment based immigration.. where the majority of the paths of employment based immigration are for high-skilled individuals.

Many theories exist to explain why people migrate. The majority tends to be economical. The most famous of these economic theories is the push-pull theory. Immigration happens for two reasons. The first reason is that host countries are pulling in immigrants with the promise of jobs. The second is that countries push people out because of a lack of jobs and political unrest. Hanson and Spilimbergo (1996) suggest a form of push-pull theory. The research they conduct finds a direct connection between immigration and real wage rates (Hanson & Spilimbergo, 1996). They argue that when the real wage rate in Mexico is low and the real wage rate in the United States is high, people are more willing to migrate. This theory fits right into the push-pull theory. The high real wage of United States pulls immigrants in, little real wage in Mexico pushes immigrants out of the country.

Understanding why people immigrate may lead to understanding how to frame immigration reform. Lawmakers may be able to craft reform to benefit both The United States and immigrants. By addressing why individuals choose to immigrate, reform can be tailored to meet immigrants needs. If the needs of the immigrant are meet, it could de-incentivize unauthorized immigration.

Economic Effects of Current Immigration policy.

The United States's economy has been affected because of both immigration and increased measures to stop immigration. Whether the net effect on the economy is positive or negative is up for interpretation. Nadadur (2009) argues for the positive effects of immigration on the United States economy. Economic benefits are obvious illegal immigration supplies The United Statesn industry with cheap labor. With immigration comes more spending in the The United Statesn economy. Others, such as Palivos and Yip (2010) hold the view that immigration may offer a cheap supply of labor while at the same time diluting the workforce with under-skilled labor. They state that the economy of the host countries is benefited for a short time while the labor market becomes filled with low-skilled labor. After this economic benefit Palivos and yip argue that in the long term this population will hurt the country's economy. They argue low-skilled immigrant labor affect on the economy is an increase in the wage gap, meaning that the difference in income earned by high-skilled labor low-skilled labor will grow. The other negative effect is that their will be less jobs for native-born employees (Palivos & Yip 2010). Palivos and Yip basic argument is that while in the short-term the economy may benefit from the undocumented immigrant population, in the long term it has potential to hurt the labor makret. If increased border security and attempts to reduce the population of undocumented immigrants continues, it is possible that The United States will lose a significant benefit to its economy. On the other hand, decreasing the number of low-skilled workers in the market may reduce the wage gap. They do not relate the findings of their study to social costs of undocumented immigrants. Their findings are specifically for the economic costs.

In the article "Immigration and Immigrants: setting the record straight" Micheal Fix and Jeffrey S. Passel (1994) examine the social costs of immigrants. They begin by explaining that is difficult to measure the social costs associated to undocumented immigrants, because of the fact

that they are undocumented (Fix & Passel, 1994). With that they say that many studies done on the social costs of immigrants, do not differentiate between different groups of immigrants. For example they argue that a miss conception is that immigrants are large users of welfare . In their study they say that when you exclude refugee immigrants from that group, most immigrants of working age are less likely to use welfare systems, than are native born working age individuals (Fix & Passel, 1994). Overall the findings of this article are mixed. They show that while immigrants do generate revenue deficits at the state and local level. Immigrants actually generate a revenue surplus at the federal level (1994). Fix and Passel attribute this to the fact that most immigrants no matter their status pay federal income tax, however they do not pay state and local taxes. As a result there is a burden on most state and local services such as schools, and hospitals (1994).

There are two Primary theories of what will happen to the economy if the number of undocumented immigrants decreases. One is that The United States will face a downturn in the economy because a shortage of labor could follow. The second theory is while the economy might at first take a hit, a social and economic gain will result. Kostandini et al. (2013) in their article like the first theory. The authors show evidence The United States may face a significant labor shortage if immigration policy continues as it is. The authors use farming as their primary example of the possibility of labor shortages. Historically, agriculture has relied on large numbers of undocumented labor in the United States (Gonzalez, 2006).

Taylor, J. E., D. Charlton, and A. Yunez-Naude offer useful insight to the possible affects of not just current immigration, and enforcement policy, but on the possibility that the united states could be losing its agricultural labor supply. In their article “The End of Farm Labor Abundance,” they argue that current immigration and enforcement policy is affecting the current

labor supply, but that might not be the united states greatest threat to the labor supply. They argue that the united states could end up losing its labor supply to Mexico, because of a growing agricultural industry, and higher wages beginning to appear in Mexico. They do suggest that if The United States doesn't re-work its immigration system, that it could end up losing its labor supply sooner rather than later.

Countering this argument is Dixon et al. (2011). In their article, they argue that for a short time, The United States's economy would suffer, as a result of reducing the number of undocumented immigrants. They argue the negative effects will only be temporary. In the long term, the economy will benefit. Less money will be spent on the welfare of undocumented workers, providing a boost to the economy. The workforce will also benefit as the result of the reduction of undocumented workers. The work force will benefit because with out the undocumented immigrant work force, wages will no longer be deflated, and more jobs will be available to native born workers. What they mean when they say that that wages will no longer be deflated, is that wages will return to market levels. Right now wage is deflated because the undocumented population can take lower wages than the native born workers (Dixon, Johnson, Rimmer, 2011). It will be necessary to compare and contrast both ideas to be able to weigh the costs and benefits of border security. If increased enforcement only results in a significant labor shortage, then it is not worth it. If the results are only for the short term, then increasing enforcement policy may be a viable option.

the overall impact of the undocumented immigrant population is unclear. It is hard at times to measure the costs or benefits of this group of people, because of the fact that the population is undocumented. There is evidence that undocumented immigration can lower wages in the low-skilled job markets as well as the availability of jobs in that market. However, there is

more evidence that undocumented immigrants provide an economic benefit to the United States, that outweighs the negative impact of the population. This information is useful in trying to determine what the best way to deal with this population. If they are a negative impact on the United States, they should be removed from the United States. If they are a positive impact on the United States, they should be allowed an opportunity to become legal residents.

Effect of enforcement only policy.

While economics and politics make the headlines, issues like the environment and human rights do not get the same level of attention. In terms of literature and research, there is not as much out there on either subject. Androff and Tavassoli (2012) argue the need for immigration reform on the grounds of human rights. After the installation of border fences had cut off regular immigration routes, immigrants were forced to cross the Sonoran Desert. In their estimate, over 5,000 people who attempted to cross the border from the Sonoran Desert lost their lives since 1994 (Androff & Tavassoli 2012). The human death toll is the greatest cost of all. If any of the United States' immigration laws results in the death of a person, reform needs to take place. No one can make the argument that the benefits provided by the fence outweigh a human life. The 5,000 deaths recorded in the article are only from one region of the border. It is possible that many more deaths are occurring along the border, and just going unrecorded. If reform can save even one life, it will be worth all the time and effort to create improvement.

Enforcement only policy while making the border a more dangerous place, is also ineffective. Raúl Inojosa-Ojeda, shows in his article “The Costs and Benefits of Immigration Enforcement” that while the United States has spent billions on enforcement policy and measures, the government has very little to show for it. Cornelius, Wayne et. al (2008) article. Argues similar results in their article. That the United States has very little to show for the billions of

dollars it has spent, on immigration. They argue that during this massive enforcement spending that undocumented immigration did slow and also lowered during this time. However their evidence shows that this is more likely to do with the economic downturn in 2008, than fear of law enforcement.

The enforcement only policy has not worked, according to these two sources. There is little evidence to support enforcement only policy. The only way it can be argued that the policy has worked, is the slow down in undocumented immigration in the mid-2000s. However as pointed out by Cornelius et.al (2008), there is stronger evidence to support that the economics had more to do with this, than enforcement. If the United States wants to fix its immigration system, enforcement policies may be a way to aid the immigration system, but they are no solution.

Section One

History of Immigration Policy

Immigration to the United States is not a new phenomenon. The first permanent European immigrants arrived in North America around 1565, when the Spanish established settlements in what is modern day Florida. After this, the Dutch and English established settlements in what is now the United States. During this time of colonization, there were no laws that limited who could come to these new territories. After the United States was founded and the revolutionary war was over, there were still no laws that restricted who could enter the country (Ewing, 2012). For the most part, the Federal government left it up to the individual states, to choose who could become a citizen, but there was no restriction on who could enter the country. In 1790, the government passed the first countrywide citizenship law, with the naturalization act. The law said, “Under the Naturalization Act, “free white persons” of “good

moral character” could become citizens after two years of residence in the country (Africans and persons of African descent did not acquire access to citizenship until 1870)” (Ewing, 2012.). However, this still did not affect who could enter the country. In 1798 the Alien and Sedition Acts were passed, this gave the president authority to kick any foreigner out of the country that the government deemed a threat to the United States. The Steerage Act of 1819 was passed and was the first law to require reporting of incoming immigrants. It made it mandatory for any ship that came to the free states to turn over its manifest to local authorities so any migrants could be recorded. It would not be until 1875 that the government passed its first exclusionary immigration law. By this time immigration to the United States was in full swing, from 1840-1860, an estimated 6.6 million immigrants came to the United States (Ewing, 2012.).

In 1875 the United States government passed the first law in American history that excluded people from immigrating to the United States, this was mainly criminals, prostitutes, and Chinese contract labor, individuals who were seen as “undesirable” (Ewing, 2012.). In 1882 the Chinese Exclusion Act was passed, that halted immigration from China and deported any Chinese immigrant who was unlawfully in the United States. This Act would be renewed three times in 1892 and 1902. The Chinese Exclusion act is one example of many, exclusionary immigration policies that the united states passed during this time period.

The federal government tried in 1864 sought to bring immigration under federal control, but this attempt failed. In 1891, the first comprehensive immigration law was passed and gave authority of immigration to the Department of Transportation. Then in 1906 the Naturalization act combined immigration and naturalization laws under a bureau of immigration. In 1924, the United States passed the Immigration and Naturalization act of its first exclusionary law on quantitative grounds. The act established quotas based on national origin, which resulted in a

bias toward European immigrants. This was a result of both xenophobia during this period, and because Europeans were more of a high-skilled labor force. (West,2010). This period in American immigration policy is marked by the United States limiting who can enter the country, during World War II this trend would continue and the roots of Americas current situation would be planted.

In the years leading up to America's entry into the war, the exclusionary ideology of United States policy increased. In 1940, the Alien Registration Act was created. The act required all foreigners 14 years of age and older to register with Immigration and Naturalization services. Also, it made membership and even past membership in specific political organization grounds for deportation (Ewing, 2012.).. During the war, the United States would face large labor shortages in the farming industry (Gonzalez,2013). The labor shortage was a result of American men going off to war, or men and women going to the cities to get jobs that would support the war effort (Ganster & Lorey, 2008). In reaction to these labor shortages the United States began importing its labor and the Bracero program was started in 1942 as a result. The results of this program were over five million Mexican workers came to the United States (Gonzalez,2013). At this time immigration from Mexico was not restricted, but it was a long, expensive process. As a result, undocumented immigration from Mexico rose at the same time as the Bracero program. Some authors have suggested that this is the roots of America's dependency on immigrant labor (Gonzalez, 2013). After the war the country would begin to go through an economic boom, and few people returned to work on farms or other low skilled labor jobs. As a result the United States need a low skilled labor force (Gonzalez,2013. Along with this economic boom the country began to go through a social change. As a result of both the United States began to move away from its exclusionary immigration policy.

As the United States moved into the mid 20th century began to undergo a social change. Much of the racist ideology, and policies began to come under scrutiny. In 1961 the country elected Kennedy as president, and with his presidency immigration would begin to change away from its exclusionary ideology. Before he was President Kennedy had written a book *A Nation of Immigrants* (1964), wherein he rejected the idea of quotas based on national origin, because that undermined the concept that the United States was a country of immigrants, and a country for everyone (Kennedy, 1964). After Kennedy was assassinated in 1963 the civil rights movement began to pick up more speed, the long-standing exclusionary laws began to be seen as outdated and racist (Ewing, 2012). In 1965 the country enacted an Immigration and Naturalization Act. The Act abolished the national origins based quotas, which were highly discriminatory. However, the act did keep the numerical quotas in place. This act is the origin of the current immigration policy.

Why do people Emigrate?

The question of why people emigrate is an important one to answer. Being able to explain why people come to this country will help in tailoring a reformed immigration system, not just, so it meets the needs of the country, but that it also satisfies the needs of the immigrants.

One of the most popular migration theories behind immigration to the United States is Lee's Push-Pull theory. The theory states that people are both pushed out of their home country by adverse factors, and pulled to another country by attractive factors. These factors may include poverty, fewer job opportunities, war, low wages, and political unrest in the pushing country, high numbers of employment, high standard of living, or family connections in the pulling country (Schoorl, Jeannette 2000). This theory is seen as the leading factor to explain migration to the United States at the end of the 19th and beginning of 20th century (Gonzalez 2013, p.16).

This theory's basic argument is that an emigrant may be pushed out of their home countries by the lack of jobs, and low wages, and political unrest in Europe. While at the same time being pulled into the United States, by the numerous employment opportunities, the possibility of higher wages, and family ties that they currently had in America. This theory has been used to explain current immigration to the United States. However, this theory is slightly out of date. The push-pull theory does not take into consideration globalization, modern emigrants may not be getting pushed or pulled out of their home country. The simple premise of the Push-pull theory is still applicable when considering the current immigration issue in the United States. The simple premise is, that for the many immigrants, there is a need or want to leave their country, and migrate to the United States because of what the country offers. Mainly that is the United States provides a better economic opportunity, or that the individual already has ties to the country, which are usually family ties.

Family reunification has been a centerpiece of the United States immigration policy since 1965. It is why the largest quota of visas are allotted to family visas. We can also see that the family is ample motivation for people to immigrate to the United States, based on the application numbers (Ewing, 2012). As seen by the number of individuals who apply every year for a family-based visa, one of the primary concerns of immigrants is family, family reunification, and keeping their family together in the United States. Repetitive. Do you have any data?

Economic opportunity is a significant reason that individuals choose to come to the United States (Hanson & Spilimbergo 1996). In the study by Hanson and Spilimbergo (1996), they try to figure out why individuals choose to cross the border. To find this out they interviewed people apprehended at the southern border. Hanson and Spilimbergo (1996) find that

attempts to cross the southern border are highest, when the real-wage rate in the United States is high, and real-wage rate in Mexico is low. They found this out by tracking the number of people arrested at the border and found that the highest arrest rates correlated with this fluctuation in real-wage rate. These findings would suggest that the economics play a fundamental role in why people want to immigrate to the United States. Now, many of the people who were apprehended at the border are most likely looking for low-skill jobs, which is another reason that they had to attempt crossing the border undocumented because of lack of paths of immigration.

Current policy

Basic policy

The Current immigration system the system is based on a set of visa quotas, that immigration services can give out each year (West, 2010). Today's policy is based on the 1965 Immigration and Naturalization Act, which had the humanitarian goal of reuniting families, allocating over two-thirds of the visas for family-based immigration. Originally the cap for total number of visas that could be given out was set at 290,000, it would later be raised to 650,000 visas each year to meet immigration demand. (Ewing, 2012). This means the United States can only give out 650,000 immigration visas each year. This was in the 1990s, and was the last time visa caps were updated (West, 2010).

Paths of immigration

There are four paths of immigration into the United States. The first path of immigration is family-based immigration. This is the primary way people immigrate to the United States. Every year the United States allocated 480,000 visas for family-based immigration. This makes up the majority of all visas issued during a single year (USCIS.gov/greencard.). To qualify for family immigration, "a legal, qualified family member in the United States can seek permission

[by petition] to bring in certain eligible foreign-born family members” The second path of immigration is employment-based immigration. There are 140,000 employment-based visas every year. People who qualify for employment based visa must already have a job offer in the United States, and an employer willing to sponsor them. For the most part, the 140,000 employment visas are for high-skilled employees. Included in employment-based immigration, are temporary work visas. There are over twenty different types of temporary work visas. The most well known temporary work visas being, the H1B for high-skilled guest workers, and H2B, H2A and H2b for seasonal agricultural construction and tourism (USCIS.gov/greencard). The third path of immigration is on a refugee visa. These are for people fleeing their home country due to life threatening conditions. Each year the president can set the limit of refugee visas, the current limit is set at 70,000 visas (USCIS.gov/greencard). The Diversity Visa program is the final method of immigration to the United States. This allocates 55,000 visas to a random nationals from a country that have sent less than 50,000 immigrants in the previous five years.

The problem

The primary problem with the United States immigration system is visa caps in both family and employment based immigration. This creates a problem for both immigrant and the United States. For immigrants it limits if they can get into the United States, and if they can they might have to wait years to enter. For the United States it is a problem because it limits who can enter the country. many of these individuals who can not get into the country are low skilled, and even high-skilled workers may not be able to gain entry. which does not meet the economic needs of the United States. These visa caps that have not been updated since the 1990s do not meet current demanded immigration while immigration has only continued to increase. In fact, immigration is at historic levels, as illustrated by figure-1 The result is massive backlogs in our

immigration system. There are currently estimated four million of individuals on a waiting list to enter the country ("Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based Preferences, 2015."). Structurally the immigration system is unable to keep up with current demand for immigration. With the United States receiving nearly 6 million applications each year, and only 675,000 visas available. The system leaves millions either on application waiting lists for years or with no ability to legally enter the country at all. The two primary paths of immigration, both contribute to the massive backlogs in the United States immigration system.

Family-based immigration

The family-based immigration system has created backlogs in the immigration system. Backlogs mean that “immigrants eligible to apply for family-based visas must wait for years, even decades, to reunite with their family members”(Breaking Down the Problems) Three issues create this backlog in the family-based immigration. One there is a larger demand for visas than there are visas to give out, the demand exceeds the supply. Under the current qualifications for family-based immigration, there are six different levels of preference. The first level of preference is “ parents, spouses, and unmarried children under the age of 21” (USCIS.gov/greencard).U.S. Citizens may apply for any of these family members without regard to the visa cap. This leaves family members in the remaining preference categories having to wait for a visa spot to open, sometimes this can take “20 years” (Immigrant Visa Status). Per country limits create backlogs in the number of immigrants that can come from each country, and these limits are the same for each country, which means Mexico and Iceland have the same cap on the number of immigrants that can come from their countries. There is a higher amount of demand to enter the United States from Mexico than do from Iceland, but because of the limits a

family member has to wait longer if they are immigrating from Mexico than if they are immigrating from Iceland. As of 2015, the current number of applicants on the waiting list was 4,455,274 individuals (Immigrant Visa Status). With such a long wait time and so many individuals on the wait list, it leaves many potential immigrants with only one option to reunite with their family.

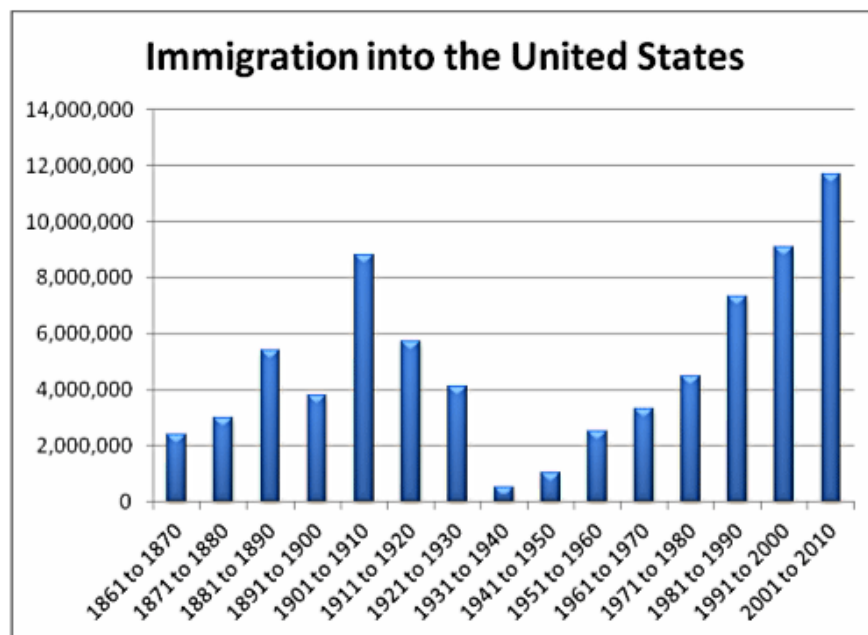


Figure-1 U.S. Demographic History <http://www.immigrationeis.org/eis-documents/us-demographic-history>.

. Employment-based immigration

Again the limited number of visas creates a backlog of applications. The 140,000 visas cap was set in the 1990s Immigration Reform Act and has stayed the same since. In 2014 the number of applications on the waiting list for employment-based immigration was 90,910, in 2015, the number increased by 10.8% to 100,747 individuals (Immigrant visa status). On top of the lack of visas for highly skilled workers, seasonal workers are left with even fewer

employment-based visas, leaving employers in areas such as agriculture and construction lacking the necessary workforce. For many individuals, there is simply no legal path of immigration based on employment the second problem with the current employment-based immigration is that it does not meet the current needs of the United States economy (Why Our Current Immigration System Does Not Work For the Business Community,2013). As a result, United States employers are left with the only option of using undocumented immigrants to fill in the gaps in the United States economy. Under the current system, it is more advantages for employers to keep using undocumented immigrations, as long as other firms are using undocumented immigrant labor. (Brown, Et.Al, 2008) . If other firms are using undocumented workers they are able to pay a lower wage. This results in a competitive advantage over firms that don't us undocumented immigrants for labor. In response it is more beneficial to use undocumented immigration, if other firms are using it The problem with employment-based immigration is two-fold. One it has a limited number of visas and a very narrow path of immigration. Second because the current system doesn't meet the demand of the economy, employers are left with no option than to continue using undocumented immigrants to meet their needs.

Inability to be flexible

With its inability to be flexible and adapt, the current system leaves many immigrants in limbo without any clear path of immigration, or a path to citizenship. There are roughly 11.4 million undocumented immigrants in the United States today. These are 11.4 million people who are “earning far less than their potential, paying much less in taxes, and contributing significantly less to the U.S. economy than they would if they were given the opportunity to gain legal status and earn U.S. citizenship.” (Fact Sheet: Fixing Our Broken Immigration System so Everyone

Plays by the Rules, 2016). Currently, the system also punishes people who wish to become legal citizens. People, who willingly turn themselves in to try and become a legal citizen, can not reenter the country for three years under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. If the country wants to fix its immigration system, it needs to develop a system that is flexible and meets the current demand for immigration

Administrative inadequacies, and improper response

The current system was not set up to handle the vast number of applications that it receives each year. The USCIS. only has 19,000 employees, and its primary source of funding comes from the fees collected from applicants (USCIS.gov/greencard.gov). In relation, the UNITED STATES Department of Customs and Border Protection (CBP), the mother agency of border patrol, will request over 13 billion dollars to fund its operations (FY 2016 Budget Homeland Security." *Budget and Brief* ,2015). From 2000-2010, it is estimated that the United States have spent 90 billion dollars on border security, with little to no results (The Costs and Benefits of Border Security,2015). While the Untied States is funding border protection to stop undocumented immigration, the system of legal entrance into the United States is grossly underfunded and left with inadequate visa cap numbers to meet the current demand for immigration.

Section Two

Results of the broken immigration

The result of the broken immigration system has been the unauthorized mass migration into the United States.. Undocumented immigrants are defined by the IRS as anyone who has entered the country unauthorized, or a person who entered legally but fallen out of legal status. The undocumented immigrant population began to rise in 1990, grew continuously until 2005

when undocumented immigration was at its highest point of 12 million people (5“Facts about Illegal Immigration in the U.S.”,2015). Since then the population has leveled off, this trend can be seen in figure-2. The decrease in the population can be attributed to the economic downturn in 2008, and not with enforcement policies of the United States (Hinojosa–Ojeda, 2014) In 2015 Home Land Security estimated that the current Undocumented immigrant population was around 11.4 million people. It is often asked why these individuals just don't get in line and enters the country legally. The simple answer to the question is that the United States does not offer a line for everyone. It also should be noted that a significant portion of the current undocumented immigrant population entered the country legally, but did not leave when their visa expired (Seminar, David. "Backgrounder.").The next section compare the negative and positive impacts that undocumented immigrants of on the United States.

Impact of undocumented immigrants on the United States

The argument of what to do with the undocumented immigrants often boils down to the effect these people have had in the United States. Either these individuals are a burden on the United States both economically and socially, or these people are a benefit to the United States It is argued that undocumented immigrants have a negative impact on the United States, because they use more tax revenue than they pay. In other words these individuals and their households receive government benefits and services, while not paying their fair share of taxes.

A report done for the Heritage Foundation in 2011 by Robert Rector and Jason Richwine, estimates that the average undocumented household receives \$24,721 in benefits and services, at the same time only paying \$10,334 in taxes. According to the report, this results in a deficit of \$14,387 per household (Robert, & Richwine 2011). In a 2004 article published by the Center of Immigration Studies, says that “California has estimated that the net cost to the state of providing

government services to undocumented immigrants approached \$3 billion during a single fiscal year” (Camarota,2004).

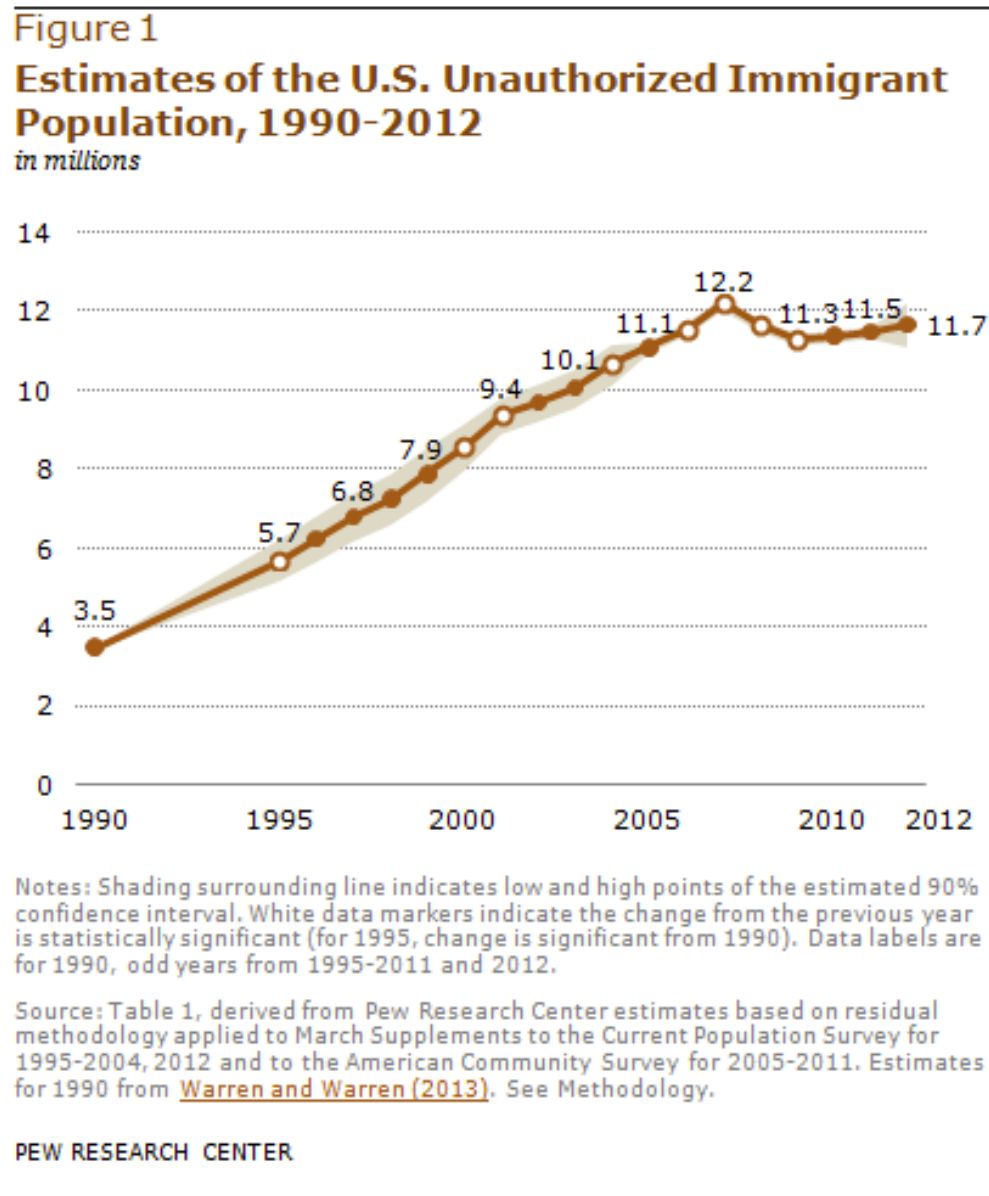


Figure-2. 5 “Facts about Illegal Immigration in the U.S.” Pew Research Center RSS. November 19, 2015<http://www.pewresearch.org/fact-tank/2015/11/19/5-facts-about-illegal-immigration-in-the-u-s>.

It needs to be noted that while the undocumented immigrant population is a burden on state and local governments, it is benefit to the federal government. While many of these individuals may

not pay state and local taxes, many of them still pay federal income tax. This results in a surplus of tax revenue for the federal government (Fix & Passel, 1994). This is a significant burden to state and local tax payers and can not be overlooked. The negative impact shown by these two articles, shows that this population needs to be dealt with. Either this population needs to be deported out of the country so they can not continue draining state and local tax revenue. Or this population needs to be offered a path to citizenship, so that these individuals can pay their fair share.

The other argument with respect to the negative impact of illegal immigration on the United States is the effect that they have on the labor market. The fear is that undocumented immigrants, who are primarily low-skilled workers, lower the job and wages for native workers ((Palivos & Yip 2010). The argument here is that the more undocumented immigrants you add to the labor market, the lower the wages are driven. This is because these individuals are willing to work for much less than native born workers. It also lowers the number of job opportunities for native born workers, because employers rather hire the individuals that they can pay less (Palivos & Yip 2010).

The counter argument is that undocumented immigrants are a boost to the United States economy. They provide a flexible labor pool that the United States can not produce on its own. In a study done by Gordon H. Hanson for the Council on Foreign Relations researchers found that undocumented immigration does have its adverse effects on the United States. Overall the benefits outweigh the costs. In the article Hanson, says “Immigration generates extra income for the U.S. economy, even as it pushes down wages for some workers. By increasing the supply of labor, immigration raises the productivity of resources that are complementary to “labor” (Hanson, 2007). In another article done by Hanson, he discusses how illegal immigration can

respond to the employment needs, in ways that the current us immigration system cannot. That is of course if the individuals who immigrate are of working age. In the article he, discusses how, Us visa programs are just not designed to accommodate the changing demands of US industry. Under current policies, if businesses want to hire additional low-skilled foreign workers, their primary option is to employ unauthorized immigrants” (Hanson, 2009). In other words, undocumented immigrants fill in the void of low-skilled labor, which is created because of the lack of low skilled employment visa options.

Another benefit to the United States in the undocumented immigrants are their contributions to the social security pool. A study conducted by the Social Security Administration shows that undocumented immigrants pay more into social security than they are receiving in benefits. The SSA found that undocumented immigrants paid \$13 billion in payroll taxes in 2010 while this group only received 1billion in benefits. This nets their contribution to the social security system at 12 billion dollars (Goss, Et.Al.,2013) While there are social and economic costs to the undocumented immigrant population, it would appear as if the United States receives some benefits from this population. Former chairman of the Federal Reserve Alan Greenspan made this testimony before a congressional subcommittee “However the estimated wage suppression and fiscal costs are relatively small, and economists view the overall economic benefits of this workforce as significantly outweighing the costs”.

Section Three

Fixing Immigration

It is clear that the American immigration system is flawed, and that it has created many of the current immigration crisis s that the United States currently faces. The next step is to figure out the best way to fix the problem. As can be seen in earlier in this paper, the

immigration system is broken in two ways. First, it is structurally broken. The current visa caps are outdated and do not reflect the modern immigration needs. Second the system can not meet the current requirements of the United States economy. Finally, the entire system is undermanned and underfunded. The second area that is broken in the United States immigration system is the enforcement only response by the United States. Instead of trying to fix the problems of undocumented immigration and the immigration system, the United States choose to focus its efforts on border protection. Ultimately this has lead to further complications rather than fixing the problem. For any immigration reform to work it has to address four areas.

To start with the government has to address what to do with the 11.4 million undocumented immigrants in the United States. A country should not have this many unregistered individuals inside its border. It poses both a national security threat, and burden on the economy and society. The second and third areas that must be addressed are the system itself. The second area is an immigration visa cap and family based immigration. With people having to wait up to 20 years to be reunited with their family, or that they lack any family connections in the United States. Lack of family connections leaves many individuals with no other option than to cross the border undocumented. Third the United States need to address employment based immigration. It currently can not meet the needs of the United States economy. The lack of low-skilled visas leaves many no other option to enter the United States than to enter undocumented. The fourth area that United States needs to address is enforcement of immigration laws, and of labor laws. The final area that the United States needs to fix is the infrastructure, currently USCIS. is overburdened by the sheer number of applications it receives every year. It is also grossly underfunded, as discussed earlier the primary source of funding for the USCIS. comes

from the application fees. By addressing these areas of the immigration system, the United States can fix the current immigration crisis .

Dealing with the undocumented immigrant population

Much of the current fight over immigration is what to do with the current 11.4 million people that are already in the United States. Whatever direction the United States takes in this matter can not taken lightly. As discussed, many of these individuals entered the country to reunite with family, or as children and young adults who were brought to this country by their parents. While it is easy to get caught up in the numbers of immigration, and undocumented immigration, it needs to be remembered that at the end of the day the argument is about people and what to do with people. This section discusses why amnesty is not the answer, why allowing some form of path to citizenship to the United States would be most beneficial, and why mass deportation is not the answer.

Amnesty is not the solution to the current undocumented immigrant population. The United States tried amnesty in 1986 with the Immigration Reform and Control Act.in the short term the act was beneficial to the Untied States and immigrants. Nearly 3 million people were legalized under the law. According to an article done by DR. Sherrie A. Kossoudji “, nearly two out of five people who legalized under IRCA were U.S. citizens by 2001”(Kossoudji,2013). What benefited the United States was that there were 3 million fewer people in the country undocumented and that these newly legalized individuals kept more money in the country. A study done by Catalina Amuedo-Dorantes and Francesca Mazzolari shows that that a person who was legalized either stopped sending money back to their countries of origin or they sent less money back. Resulting in them spending more in their community in the United States (Amuedo-Dorantes & Mazzolari, 2010). While there were some benefits for both immigrants,

and the United States in the short run. Long term the act did not accomplish its goal of fixing undocumented immigration. While it is most likely that legalization in 2016 would have similar results, it still would do nothing about solving illegal immigration.

On the opposite end of the spectrum from amnesty, many believe that mass deportation of this population is the best method. However, there are substantial costs associated with, both a fiscal cost to the United States taxpayers, and economic costs to the United States. From 2000-2010, the Department of Immigration estimates that taxpayers spend up to 90 billion dollars on securing the southern border. In the middle of that period during 2007 is when the undocumented immigration was at its highest point since then undocumented immigration numbers are down. The Center for American Progress has estimated that the cost of mass deportation would cost 285 billion dollars. That cost includes how much it would cost to find and arrest all 11.4 million people, the cost of immigration court, and cost of transporting all these individuals. Finally deportation makes no sense for the United States. Along with the financial cost of deportation, the economy would also suffer. The American Action Forum constructed an estimate on the effect of deportation on the United States economy. In their estimation, they expect the labor force would be reduced by 6.4%, and real GDP of the country reduced by 5.7%. The United States Department of Agriculture created a report on the possible outcome of deporting this population. In the report, the USDA says “This result indicates that the negative economic effects generated by the departure of a significant portion of the labor force outweigh the positive effects on the wages of U.S.-born workers and other permanent residents employed in lower paying occupations.” (Zahniser, et.al, 2011)

While offering amnesty to these individuals is not the best option, providing them a path to citizenship would be the most beneficial option for the United States. While currently many of

these people do not have to pay many of the state and local taxes that citizens or legal residents do, it is estimated they pay some taxes. The Congressional Budget Office currently estimates that these immigrants pay 11.84 billion dollars in state and local taxes as of 2012. The institution also estimated that if all 11.5 million undocumented immigrants were to become legal citizens, that their contribution to state and local taxes would increase by 2.2 billion, and would have an overall affect nationwide would be 8.7 percent increase in tax revenue (The Impact of Unauthorized Immigrants on the Budgets of State and Local Governments, 2007). This would make them comparable to other currently legal taxpayers while adding a significant amount of tax revenue to the state, local, and the federal government.

The other benefit a path to citizenship over mass deportation is that the United States has the potential to keep the low-skilled labor that is part of the undocumented immigrant population . Undocumented immigrants make up a significant portion of the current labor force. Estimates from the Department of Agriculture, show that currently the about half of the agriculture workforce in the untied states is unauthorized to work. Other sources, including first-hand accounts of farm owners, would put this number higher, even at 70% of the agricultural workforce. This is a significant number of people who are employed by the agricultural industry. This is also a workforce that would become irreplaceable. According to research done J. Edward Taylor, Diane Charlton, and Antonio Yu'nez-Naude (2012, shows that the United States agriculture industry is already facing labor competition from a growing agricultural industry in Mexico. While this data only focus on one area of the low-skilled labor market. Data from the same article also shows that the United States are also losing its none agricultural workforce, as seen in figure-3. What is shown in the graph is that there has been a decrease in the Untied States labor supply in both agricultural and none agricultural field. Offering a path to citizenship to the

current undocumented immigrants would incentivize them to stay in the country, and remain in the low-skilled labor market (Taylor,et.al.,2012). If the united States was to deport all undocumented immigrants, a significant portion of the low-skilled labor market would be deported with it. It can be assumed that with out this labor force many low-skilled industries in the United States would be adversely impacted.

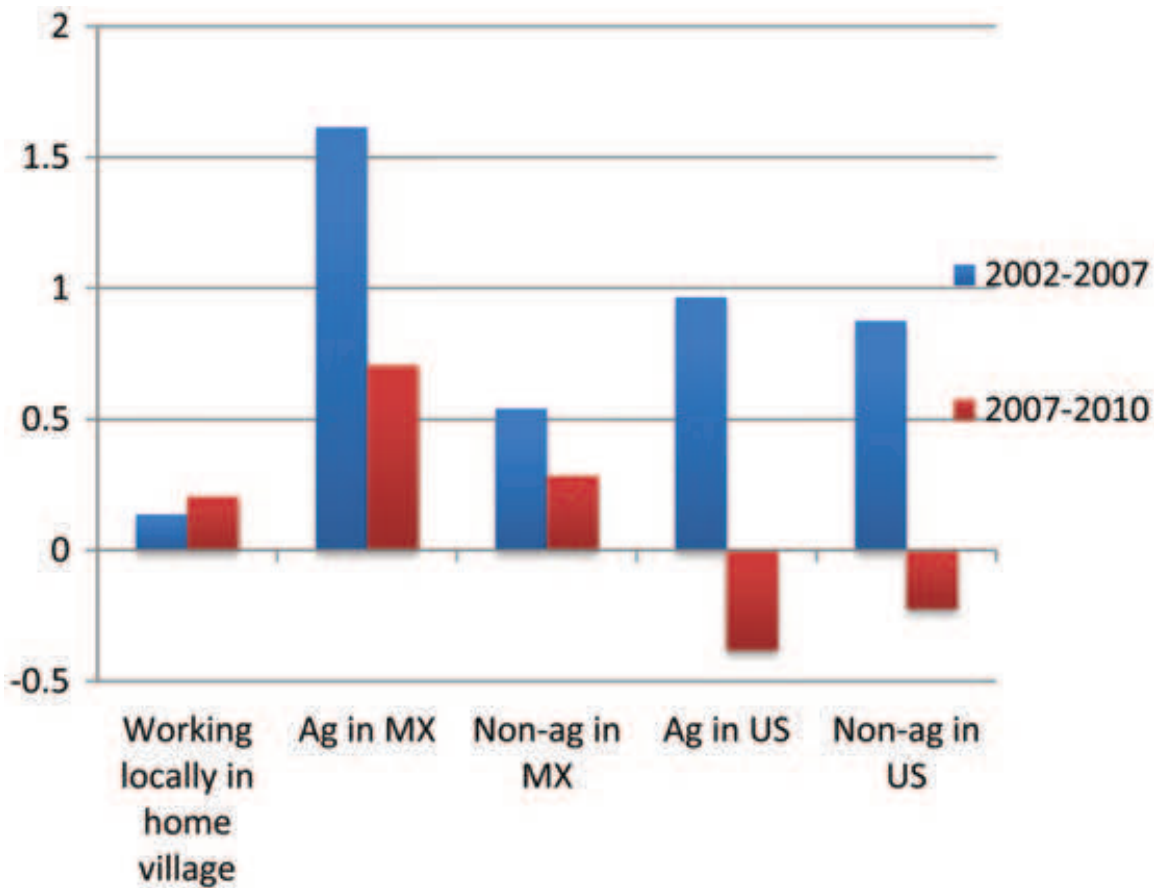


Figure-3 Percentage change in the number of workers in each sector. Taylor, J. E., D. Charlton, and A. Yunez-Naude. "The End of Farm Labor Abundance." *Applied Economic Perspectives and Policy* 34, no. 4 (2012): 587-98. doi:10.1093/aep/pps036

The other factor that must be discussed when discussing this population is the people. Currently, an estimated 9 million people are living in a mixed status household. Meaning that in many families one or more of the family is an undocumented immigrant. Of the 11.4 million

undocumented immigrants, the Center for Migration Studies estimates 2.15 million people who could be considered “Dreamers”, or people who were brought into the country as young children by their parents. Deportation of the undocumented immigrant population would involve tearing apart these families, and deporting individuals who have grown up in the free states their whole life.

Based on the possible benefit in tax revenue, and money that might be spent in the US by these individuals if legalized. Combined with the fact that this population makes up a significant portion of the low-skilled labor force. It is more beneficial to the United States to offer these individuals a path to citizenship or a path to legalization. Offering paths of citizenship would also have the added benefit of keeping families together, and allowing the “Dreamers” to stay in the country that they were raised in.

Reexamining visa caps and family based immigration

Immigration visa caps and family-based immigration are intertwined problems, because of the limited number of visas per country, and high demand of family-based immigration massive backlogs have been created in the immigration process. To be realistic, there are only two options to fix this issue. The first is to re-focus United States immigration from family unification to employment based immigration. The other option is to repair the visa caps so that they meet the current demand for immigration to the United States, based on family qualifications.

Authors such as Darrell M. West author of Brain Gain Rethinking US immigration believe that the United States needs to abandon its focus on family reunification. In his own words, he says, “I suggest that American citizens and policymakers need to re-conceptualize immigration as a brain gain for the United States.” (West. 2010 ,Kindle Location 1393.) West

believes that the United States should focus its immigration policy to attract “top international talent” (Kindle Location 1394). By doing this United States would be able to improve its economic and intellectual competitiveness in the world. While West argues that family reunification is an honorable goal, he argues that the United States focus puts the country at the complete disadvantage in human capital. His argument is logical and makes sense. The problem is that it does nothing to fix the current problem. His suggestion is something that the United States should consider after it has fixed its present system. However as talked about early, one of the primary reasons for migration is family, and by reducing family-based immigration would lead to possibly more undocumented immigration into the country.

The other option to rethink the visa caps is a more beneficial option for the United States. While the United States does need to begin to attract more high-skilled immigrants to be more competitive in the world, it should not sacrifice family immigration to do so. Family immigration is important economically to the United States because “family immigration provides substantial economic benefits, particularly in fostering entrepreneurship”. It is likely that many individuals would not immigrate if they could not bring their family with them, or have the opportunity bring their family at some point. If the United States lose these immigrants, it will lose a significant number of potential small business owners, which the native population can not replace. In a study done by Kauffman Foundation’s Index of Entrepreneurial Activity, they found a significant “gap” in entrepreneurship, between immigrants and native citizens. They found that “ “For immigrants, 530 out of 100,000 people start a business each month, compared to 280 out of 100,000 native-born people” (Anderson, Stuart 2010). Many of these immigrant small business starters, rely heavily on their family to run the business. The University of South Carolina Professor Jimmy M. Sanders before a Senate subcommittee testified “A vast majority of

immigrant-owned businesses in the United States are individual proprietorships relying heavily on family labor,”(Anderson, Stuart 2010). It is likely that without their families these immigrants would not be able to run their small business. Keeping family based immigration is more advantages to the untied states, than replacing it with a point system would be.

The most beneficial solution is to fix the current visa cap numbers to meet the demand of immigration. Raising the current cap limits to meet the demand of immigration would be beneficial to immigrants, in that it will reduce the current backlog of applicants waiting to come to the country. The White House provided a report with the best-outlined plan for fixing family based immigration and the visa caps. In the report, the white house suggests a temporary increase in the annual number of visas that can be given out each year. However based off Figure-1, that shows the trend of immigration to the United States, it is likely that immigration will continue to rise in the future. When the temporary increase ran out, it would leave us in a similar situation that we are currently in where demand is larger than supply. The best course of action would be a permanent increase in the annual visa cap, which can be annually adjusted to meet needs. The second plan the white house report suggest is, raising the current per-country visa caps, from 7% to 15% (“Modernizing & Streamlining our Legal Immigration System for the 21 St Century”,2015). By doing rising the per country cap, the country can start clearing the current backlog in the visa application pool. By combining both a permanent increase in the annual visa cap, with an increase in the per country cap, the untied states can create a situation where the massive application backlogs will not happen again. The other advantage is by making the family based immigration a fast process with these visa cap increase, and you incentivize legal immigration while de-incentivizing undocumented immigration.

If the United States increased its annual immigration visa caps, it would allow an opportunity to not only fix family based immigration, and the visa application backlogs, but also expand on employment-based immigration. Fixing family-based immigration will do two things.

It will one, help reunite families, keep families together, and provide economic opportunity for the United States and the immigrants. Second it will address one of the reasons that people immigrate, which are family relations. By addressing one of the reasons that people migrate, rather than trying to keep people out, the United States can realistically stop another undocumented immigration crisis before it happens again.

Fixing employment based immigration.

As discussed in many of the previous sections, the United States has two major gaps to fill in its labor pool. The United States needs to attract more high skilled labor talent to the United States. It is also in need of filling gaps in its low-skilled labor pool. As discussed the largest problem with employment-based immigrations, is that it lacks the flexibility to meet economic needs of the country, and it only offers a very narrow path of immigration. For the United States fixing employment based immigration, is straightforward. The system needs to be flexible to account for the changing need of the United States Economy. The country needs to open up paths of immigration, long and short term to low-skilled labor. Finally, the United States need to encourage international students to remain in the United States after graduation. By addressing these areas, the United States will be giving its self-economic advantages, but also addressing a reason people migrate to the United States, and might be willing to migrate undocumented.

The first area the United States needs to address is the fact that the immigration system can not meet the current needs of employers. One reason for this is that that the United States

government does not track labor shortages. In fact, there is some disagreement if there are indeed labor shortages in the United States. The Bureau of Labor statistics when asked if they track labor shortages and surpluses, answered with “ No. The BLS projections assume a labor market in equilibrium, i.e., one where overall labor supply meets labor demand except for some degree of frictional unemployment” (Employment projections frequently asked questions, 2016). With the government unable to provide data, one must look at the personal testimony of employers. In all areas of, the market employers are finding it hard to locate employs. On employer in construction Lance Wright, says “ our flooring contractors are having trouble finding enough guys...”(Hudson,2015). Along with low-skilled jobs, high-skilled employers are having difficulty find workers. Sam Claassen, President of SEH Inc., reported to the Star Tribune on how difficult it is to find workers “If you went back five years, we didn’t have this issue. We had lots of applicants. But today, if we post a job, that is just not enough. We have to go out and recruit hard” (DaPass & Belz, 2015). Developing a method for tracking labor needs in the United States should be a priority. If the government had a system in place to track the needs of the labor market, they could adjust employment-based immigration based on market need. This system would give the immigration system the flexibility to meet demands of the market, and allocate visas based on the numbers. Rather than giving out a set amount of visas, and leaving willing workers with only the option of undocumented migration into the country.

Currently, the only paths of immigration for employment in the current system are for an employer to sponsor the immigrant to get his visa or temporary nonimmigrant guest worker programs. The problem with the employer-sponsored visa is that it is only easy to obtain for high-skilled immigrants, and are only a limited number of visas because of the visa caps. While temporary work visas or guest worker visas are difficult for both the employer and employee to

obtain. As addressed for family-based immigration, the current visa caps need to be raised both the annual and per country caps. Also, employment-based visas need to be either allotted an amount of visas equivalent to family-based immigration or based on government statistics on how many workers the United States may require in that given year. Also, more long-term employment visas need to be opened up to low-skilled laborers. The Current United States guest worker programs also need to be re-designed. The current system is complicated to navigate, for both employees and employers. Many of the guest worker visas offer no chance at obtaining a long-term visa to the United States. Make the guest worker programs more streamlined, would take some of the pressure off the primary immigration system, allowing low-skilled workers who do not wish to stay in the United States an easier and cheaper process than is currently offered. Overall the solution to the employment-based immigration is similar to family-based immigration. The visa caps need to be updated to reflect the needs of modern America.

The untied states could further help employment-based immigration, by offering special visas to encourage foreign STEM students to stay in the United States past graduation. This is an opportunity to retain high-skilled labor in the United States economy. The number of international students in the United States higher education system is at an all-time high, the United States can fill the high-skilled labor gap in the United States. While international students only make up close to 11% of all doctoral students in the United States, “ they comprise 56.9% of all doctoral degrees in engineering, 52.5% of all doctorates in computer and information sciences, and half of all doctorates in mathematics and statistics” (DeSilver, 2015). what the untied states should do is offer a green card to international students who graduate with a STEAM degree. This visa should not count toward the annual visa cap so that it doesn’t enlarge the backlogs in immigration application waiting lists.

By addressing employment-based immigration in these ways, the United States will clear current backlogs, make sure future backlogs don't happen and meet the economic needs of the country. Also to opening more paths of employment-based immigration the United States and clearing the backlogs. Immigrants will have less of an incentive to enter the country undocumented.

Addressing the right issue

In an attempt to solve the issue of immigration, the United States looked to enforcement as a means to control immigration. While undocumented immigration has leveled off in recent years, this most likely has more to do with the economic downturn, than it did with border enforcement. The current policy of enforcement has had little impact on immigration, and could have negative economic impact on the United States food industry in the long run. It has also had the indirect effect of making the southern border a more dangerous place.

There is no direct evidence that enforcement only method has done anything to stop immigration. In 2008, a study was published by the Center for Comparative Immigration Studies at the University of California San Diego, showed that the increased border enforcement since 1993 has had no actual effect on deterring undocumented immigration. In the study, they interviewed unauthorized immigrants and ask them about when they were apprehended at the border and eventual success rate. They find that from the 1990s to 2007 that apprehension rates and eventual success rates remain the same. Showing that the increased spending on border enforcement has had little impact on deterring immigrants from attempting crossing the border (Cornelius et al. 2008). There is also evidence that since the rise of enforcement along the border the use of people smugglers has increased. It is also evident that increased enforcement has led to more

long-term immigration by undocumented immigrants, breaking a historical record of circular migration. (Hinojosa–Ojeda,2014)

Enforcement policy of the United States has also had the unintended consequence of making the southern border a more dangerous the United States has cut off normal flows of migration, with the construction of the frontier fence. With easier more popular urban routs of immigration now cut off, immigrants now must cross Sonoran desert often without food or water (Border Battles: The U.S. Immigration Debates). The result of this has been an estimated over 5,000 people have died to attempt to cross the boarder (Androff,. Tavassoli,2012). While it can be argued that these individuals should not be trying to enter another country undocumented, some blame does fall on the United States. These future deaths could be prevented if the United States begins to focus on fixing its immigration crisis, rather than treating a symptom.

The United States reaction to its immigration crisis was to increase enforcement of its borders, and internal immigration laws. Enforcement has had little effect on deterring undocumented immigration, is responsible for the growth of human smugglers, and has resulted in thousands of deaths along the border. A Proper response will be to adequately fund USCIS, and employ more employees to handle the vast number of immigration applications the agency receives.

Conclusion

The problem with the immigration system in the Untied States is the fact that it has not changed in twenty plus years. The visa caps, and qualifications for who can enter the country are out of date. These out of date laws, leave individuals on massive waiting lists, or without a list at all. Forcing many to take next available option, which is entering the country undocumented, or staying past their visa. The undocumented immigrant population is seen as the problem with the

immigration system. It is not, the undocumented immigrant population is a result of the broken system. Instead of trying to fix the system, the United States focused its policy on fixing the undocumented immigrant population. The United States, needs to do four major acts. It needs to offer the undocumented immigrant population, a path to citizenship. This is a much more beneficial option to both the United States, and the immigrants. After the United States has dealt with the undocumented immigrant population, it needs to fix family and employment based immigration. Visa caps need to be raised to meet current immigration demands, so that the massive back logs in the application pool can be cleared, and that they don't happen again. Employment based immigration also needs to be tailored to meet the current needs of the economy. The new employment based immigration also needs to offer more path of immigration, for both high and low skilled labors. The final action the United States needs to take is refocusing its effort. While a nation has the right to defend and secure its border, the United States needs to stop the policy of enforcement only. Instead immigration needed to receive more funding, and more employees, so that it can meet the needs of the modern world. What the United States needs to do is stop blaming immigrants for the immigration problem, and blame their system. The system is what has created an environment, where people's only option for immigration, is sit in a waiting list for potentially 20 years, or entering the country unauthorized.

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